

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:

PEGGY ANN HOWELL,)
Debtor.)
) Bankruptcy Case No. 5:12-bk-00889
)

PEGGY ANN HOWELL,)
)
)
Plaintiff/Debtor,)
)
v.) A.P. No. 5:12-ap-00075
)
HSBC BANK NEVADA, N.A.,)
)
)
Defendant.)
and)
)
HELEN M. MORRIS, TRUSTEE,)
)
)
Plaintiff,)
)
v.)
)
HSBC BANK NEVADA, N.A.,)
)
)
Defendant.)

**MOTION TO SETTLE CLAIMS AND PAY ATTORNEY FEES
AND SET-ASIDE DEFAULT JUDGMENT**

Now come Plaintiffs and move to settle the claims against HSBC Bank Nevada, N.A., for the amount of \$350,000.00, to pay attorney fees in the amount of \$157,500.00 and costs in the amount of \$1,281.50 to Thomas E. McIntire, Esq., and to pay the amount necessary to complete Debtor's Chapter 13 Plan to the Chapter 13 Trustee, with the balance to be paid to Debtor, Peggy Ann Howell.

Plaintiffs also move to set-aside the default judgment entered against HSBC on February 8, 2013.

Trustee believes settlement on these terms is in the best interest of the estate. Trustee notes that her decision to settle is based on the recommendation of counsel. Further, Trustee has been influenced by the denial of liability, the disputed facts, and the possibility of an adverse result. Trustee believes that, given the upper bound on potential recovery governed by several relevant statutes, the compromise reflected here is proper.

The attorney fees and costs are governed by an earlier agreement approved by the Court.

WHEREFORE, Trustee and Peggy Ann Howell seek permission to execute a release on behalf of the estate of Peggy Ann Howell and to pay attorney fees and costs as aforesaid listed.

RESPECTFULLY SUBMITTED



/s/ Thomas E. McIntire
Thomas E. McIntire, Esquire
WV Bar No. 2471
82 ½ Fourteenth Street
Wheeling WV 26003
(304) 232-8600
(304) 232-5719 FAX

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CERTIFICATE OF SERVICE

I, Thomas E. McIntire, do hereby certify that on the 16th day of April 2014, I filed electronically Debtor's Motion To Settle Claims And Pay Attorney Fees with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Debra Wertman, U.S. Trustee
Ustpregion04.ct.ecf@usdoj.gov

Helen M. Morris, Trustee
Ch13info@wvtrustee.org, ch13trustee@wvtrustee.org

Sean Higgins, Esquire
Sean.Higgins@nelsonmullins.com



/S/Thomas E. McIntire
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